

In re Patent Application of:

**MAY ET AL.**

Serial No. **10/790,479**

Filing Date: **MARCH 1, 2004**

**REMARKS**

The Examiner is thanked for the thorough examination of the present application. Independent Claims 1, 9, 16, and 20 have been amended to more clearly define the subject matter thereof over the prior art. Support for the amendments may be found in paragraph 0035 of the originally filed specification, for example. No new matter is being added.

**I. The Claimed Invention**

As recited in amended independent Claim 1, for example, the present invention is directed to a mobile wireless cellular communications device that includes a wireless cellular transceiver and a controller for cooperating therewith for receiving text messages from a wireless communications network, and a headset output connected to the controller. The controller is for switching between a normal message mode and a hands-free audio message mode based upon a connection between the headset output and a headset, and when in the audio message mode, outputting at least one audio message comprising speech generated from at least one of the received text messages via the headset output. Moreover, the controller is settable to an override mode in which the controller remains in the audio message mode irrespective of a connection between the headset output and the headset.

Independent Claim 9 is directed to a related cellular communications system, independent Claim 16 is directed to a

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related method for using a mobile wireless cellular communications device, and independent Claim 20 is directed to a related computer-readable medium. As with independent Claim 1, each of these claims has also been amended to recite setting the mobile wireless communications device (or controller thereof) to an override mode in which the mobile wireless communications device remains (or controller) in the audio message mode irrespective of a connection between the headset output and the headset.

## **II. The Claims Are Patentable**

The Examiner rejected independent Claims 1, 9, 16, and 20 under 35 U.S.C. §103(a) based upon U.S. Patent No. 6,181,956 to Koskan in view of U.S. Patent No. 7,027,842 to Zhang et al. Koskan discloses a communications device (i.e., cell phone) to be worn by a user that is coupled to an earpiece by a communication link. The communications device is operable in first and second operating modes. When in the first operating mode, the device receives and presents text-based messages in human readable form to the user via a user interface. When in the second operating mode, the received message is converted to audible form using a text-to-speech synthesizer and presented to the user via the earpiece. In one embodiment, the base device automatically switches to the second operating mode based upon a characteristic of the received message, such as a keyword present in the received message or an indication of the message

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type. See, e.g., col. 1, line 62 through col. 2, line 6 and col. 2, line 64 through col. 3, line 15 of Koskan.

Zhang et al. is directed to an apparatus and method for providing hands-free operation of a device. A hands-free adapter is provided that communicates with a device and a headset. The hands-free adapter allows a user to use voice commands so that the user does not have to handle the device. The hands-free adapter receives voice commands from the headset and translates the voice commands to commands recognized by the device. The hands-free adapter also monitors the device to detect device events and provides notice of the events to the user via the headset. See, e.g., col. 1, line 53 through col. 3, line 31 of Zhang et al.

As noted above, the above-noted independent claims have been amended to recite selectively setting the mobile wireless communications device (or controller) to an override mode in which the mobile wireless communications device (or controller) remains in the audio message mode irrespective of a connection between the headset output and the headset. Neither of the above-noted references, nor any of the remaining prior art of record properly provides this critical deficiency.

The invention recited in the independent claims therefore advantageously allows a user to configure audio message delivery based upon user preference and for numerous different operating conditions. For example, as discussed in paragraph 0035 of the originally filed specification, there may

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be circumstances when a user does not have (or does not wish to use) his headphones, yet still wants text messages converted to audio messages, even if the user has to hold the phone to his ear to hear them.

Accordingly, it is respectfully submitted that independent Claims 1, 9, 16, and 20 are patentable over the prior art. Their respective dependent claims, which recite still further distinguishing features, are also patentable over the prior art and require no further discussion herein.

**CONCLUSIONS**

In view of the foregoing, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities remain to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

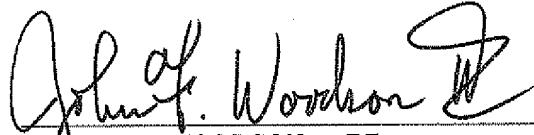
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Respectfully submitted,



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